

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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POLICE BENEVOLENT ASSOCIATION OF THE CITY  
OF NEW YORK, INC., on behalf of its members,  
PATRICK J. LYNCH, as President of the Police  
Benevolent Association of the City of New York, Inc.,  
DANIEL MURRO, CORY PILZER, CHRISTIAN  
PINEZ, ZANETA BOJARSKA, TIANA GUGLIAMO,  
THOMAS LEONARDO, MICHAEL GAGLIANO,  
DANIEL ORLEANS, and MATT NALWASKY,

Plaintiffs-Petitioners,

-against-

BILL de BLASIO, in his official capacity as Mayor of the  
City of New York; DAVID CHOKSHI, in his official  
capacity as Health Commissioner of the City of New  
York; DERMOT SHEA, in his official capacity as Police  
Commissioner of the City of New York; NEW YORK  
CITY DEPARTMENT OF HEALTH AND MENTAL  
HYGIENE, NEW YORK CITY BOARD OF HEALTH,  
and NEW YORK CITY POLICE DEPARTMENT,

Defendants-Respondents.

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**TO: THE UNITED STATES DISTRICT COURT,  
EASTERN DISTRICT OF NEW YORK**

Defendants, Bill de Blasio, in his official capacity as Mayor of the City of New  
York; David Chokshi, in his official capacity as Health Commissioner of the City of New York;  
Dermot Shea, in his official capacity as Police Commissioner of the City of New York; New  
York City Department of Health and Mental Hygiene; New York City Board of Health; and New  
York City Police Department (collectively “Defendants-Respondents”), by and through their  
attorney, Georgia M. Pestana, Corporation Counsel of the City of New York, respectfully move  
this Court as follows:

1. On October 25, 2021, Defendants-Respondents were served with an Order  
to Show Cause and Verified Petition filed in the Supreme Court of the State of New York,

**NOTICE OF REMOVAL**

Case No.

County of Richmond, under Index No. 85224/2021, naming Defendants-Respondents herein, and setting forth the claims for relief upon which the proceeding is based. The Order to Show Cause and Verified Petition, together with additional papers filed by Petitioners-Respondents under Index No. 85224/2021, are annexed hereto as Exhibit “A.”

2. Plaintiffs-Petitioners bring this proceeding alleging, *inter alia*, that the implementation of a mandate for vaccination against COVID-19 violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-2(c)(1); Section 504 of the Rehabilitation Act; Title I of the Americans With Disabilities Act of 1990; and the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

3. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

4. This Notice of Removal is timely because it is being filed within thirty days of Defendants-Respondents’ receipt of the Order to Show Cause and Petition. See 28 U.S.C. § 1446 (b).

5. Defendants-Respondents will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which the proceeding is pending.

**WHEREFORE**, Defendants-Respondents respectfully request that the above-captioned proceeding be removed from the Supreme Court of the State of New York, County of Richmond, to the United States District Court for the Eastern District of New York.

Dated: New York, New York  
October 25, 2021

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By:



Maxwell D. Leighton  
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